

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3674 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MAJOR CHANDKUMAR

Versus

UNION OF INDIA & ORS.

Appearance:

MR AKSHAY H MEHTA for Petitioner

MR JD AJMERA for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 05/08/96

ORAL JUDGMENT

Heard learned counsel for the parties. The petitioner, a Major in the Army, attached to the 152 Air Defence Regiment, challenged by this petition before this Court, the order annexure 'A' dated 29th June 1984, of the respondent, under which he was placed under suspension.

2. In the said order of suspension, it has been

stated that the character, conduct as an officer and a gentleman had been impugned and the investigations are in progress. Interim relief, as prayed by the petitioner in Para 16(B) has not been granted by this Court. A reply to this Special Civil Application has been filed by the respondents and in Para-3 thereof, it has been mentioned that the representation made by the petitioner against the order of suspension, to the higher officers in the department has been decided on 5th May 1985 and the order of suspension has been revoked. A copy of the order made is filed as annexure 'I' to the reply. When the order of suspension has already been revoked way back on 5th May 1985, it is really shocking that both the counsel have not brought this fact to the notice of this Court. In fact, on revocation of the order of suspension this, Special Civil application becomes infructuous and the counsel for the petitioner or respondents should have moved an application for disposal of this Special Civil application. In view of the fact that the order of suspension challenged by the petitioner in this Special Civil Application has already been revoked by the Department, this petition has become infructuous. The order dated 5th May 1985 has been made final and whatever grievance the petitioner had against the said order, he would have taken recourse against it. That order is also not challenged by the petitioner in this Special Civil Application. In the result, this Special Civil Application is disposed of as having become infructuous. Rule discharged.

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(sunil)